

**BROWN CITY COUNCIL PROCEEDINGS
NOVEMBER 28, 2005**

Meeting called to order at 7:00 pm by Mayor Laura Carpenter.

Pledge of Allegiance led by City Manager Clint Holmes.

PRESENT: Mayor Laura Carpenter, Councilmembers: Frank Lukacs, Eugene Navock, Ross McIvor, Julie Miller, Christine Lee, Leon Blatt. City Manager Clint Holmes, City Attorney Gerard Garno, City Clerk Kelly Pavel.

ADDITIONS, CORRECTIONS AND DELETIONS TO AGENDA: None.

Moved by CM Miller, second by CM Lee, to accept the November 14, 2005 minutes as presented. Motion carried.

Moved by CM Lee, second by CM Blatt, to pay the bills in the following funds: General - \$16,804.94, Payroll - \$14,707.45, Sewer - \$2,365.34, Water - \$9,755.14, Investment - \$61,447.80. Motion carried.

PUBLIC QUESTIONS AND COMMENTS:

Al Teryek, a resident living on Parkside Drive, questioned the City Council concerning snow removal on Parkside Drive for the upcoming winter. Mr. Teryek is concerned who will be removing snow. He has been under the impression that the City has continuously removed snow since this development has existed. Snow removal has been contracted by the property owner, Parkside Drive is not owned by the City.

Various discussions concerning past snow removal procedures at this location as well as options that are available for the future.

City Council consensus is that the City Manager attempt communication with owners of development to begin obtaining necessary specifications and information to allow Parkside Drive to be dedicated to the City. City Attorney Garno raised some concerns about potential liability issues.

Moved by CM Blatt, to have the City remove snow on Parkside Drive up to Mr. Teryek's driveway. Motion dies due to lack of support.

Moved by CM Miller, second by CM Navock, to direct the City DPW to temporarily remove snow on Parkside Drive past all occupied homes until the status of the street is resolved. The City will investigate to determine responsibilities for the maintenance and upkeep of Parkside Drive. Motion carried.

PERSONAL APPEARANCES: None.

DPW REPORT: Written report reviewed no questions. CM Blatt stated his concerns regarding street salting issues.

OLD BUSINESS:

1. Bullock Project – see Manager’s Report.
2. International Union of Operating Engineers Local 324 – see Resolution 05-21.
3. Status of Llink Technologies Contract – final paperwork submitted by Sanilac County EDC on November 22, 2005. Waiting for response from Lansing.
4. Llink Technologies Parking Issues:

Rick Knill, president of Llink Technologies discussed parking issues and plans that had been discussed at the Streets and Sidewalk Committee meeting he had attended. Discussion regarding turning Opportunity Drive into a one way street and various costs associated with making the change, which would create additional parking for Llink employees. Mr. Knill stated that he would be willing to split costs associated with this one way street change up to \$1,000.00.

Moved by CM Navock, second by CM Blatt, to turn Opportunity Drive into a one way street heading North, and creating diagonal parking on the east side of Opportunity Drive. Noted that expenses will be shared with Llink Technologies, Llink paying up to \$1,000.00. Motion carried.

PETITIONS AND COMMUNICATIONS: None.

PUBLIC HEARING: None scheduled.

ORDINANCES: None.

RESOLUTIONS:

Discussion regarding Resolution 05-21.

Moved by CM Lukacs, second by CM Blatt to adopt Resolution 05-21 - *A Resolution to Approve The Negotiated Agreement Between The City of Brown City and The International Union of Operating Engineers Local Number 324, AFL-CIO.* ROLL CALL VOTE: Lukacs-yes, Navock-yes, McIvor-yes, Miller-yes, Lee-yes, Blatt-yes. 6-yes, 0-no, 0-absent, 0-abstain. Motion carried.

CITY MANAGER'S REPORT:

- 1. 2006 Streetscape Program:** MDOT-facilitated the initial construction meeting with the contractor that took place in Cass City on Wednesday, November 23rd at 9:00 AM. The project is scheduled to begin not later than April 17 and be completed by May 26, 2006. The only reason for delay would be weather. As part of the discussion, the railroad has agreed to remove the wooden ties at the rail crossing on Main Street/M-90 and the spaces will be replaced with asphalt, so it should be like the crossing at Maple Valley Road. A second and final meeting is planned and will take place around the middle of March to review final details of the project and have a schedule to provide to Main Street merchants and residents. In addition to Saginaw Valley Asphalt as the prime contractor, there are multiple subcontractors. As part of the contract, the concrete contractor must pour a 25 square foot test section for inspection and final approval by of the color and pattern the City Council. The 258-page specifications document and approved engineering plans are available for your review.

- 2. Well Number 4 Overhaul:** Layne Christenson sent a camera down Well #4 on November 16th. A copy of the 90 minute tape is available for your viewing pleasure. Discussion with the technician doing the work, and monitoring the picture as the camera was lowered, revealed a large number of fissures and that the sandstone layer continues from the lower end of the well casing (130') to the bottom of the well (314'). Coordination with Layne Christenson revealed that the overhaul of the pump, shaft and impeller could be completed as early as the end of the month.

- 3. Thelman/Belview Lift Station:** The overhaul of this sanitary sewer lift station continues. One of the two pumps has been rebuilt and installed back into the lift station. The second pump is being overhauled and should be reinstalled within a week or so.

- 4. Community Recreation Plan:** The special committee appointed by the Chairperson of the Park Board met and evaluated the five proposals from various firms around the state (see attached summary). The committee recommended Fleis & Vandenbrink at the Park Board meeting on November 17. Subject to a final interview, the Board voted to recommend to the City Council contracting with this company to develop a five-year plan for the Park. Chairperson Campbell and Secretary Schlabach met with me in the City Manager's Office on November 21st at 10 AM for a conference call with Rick Stout of Fleis & Vandenbrink. The interview resulting in a recommendation to the City Council to contract with Fleis & Vandenbrink to create a new plan. Once a consultant is contracted, the recreation plan update process generally takes several months. The primary source of recreational grant money is the Michigan DNR, who will not even process grant requests until a valid Master Plan is on file with them. The Park Board wants the plan completed in time to apply for the next cycle of DNR grants, the deadline for which is August. (The DNR did not allow the current plan to be extended (even after being appealed to Department of Natural Resources Director Rebecca A. Humphries)). A draft copy of a Fleis & Vandenbrink contract has been provided to the City Attorney for review. **REQUIRES MOTION.**

Darrell Schlabach, Park Board Secretary, provided additional background on the decision making process to hire Fleis & Vandenbrink.

Moved by CM Miller, second by CM Navock, to hire Fleis & Vandenbrink to develop five-year plan for the Park, contingent on attorney approval. Motion carried.

5. **Park Board:** Raymond Witmer, who has served on the Park Board/Park Association as the Maple Valley Township representative since it was founded back in the late 1960's has stepped down as the Township representative. The Township Board selected Vickey Rachow to serve as their new representative. The Park Board accepted her appointment by consensus and also appointed Raymond Witmer to the Park Board as an at-large member.

Bill Walters suggests that the City acknowledge Mr. Witmer's years of service to the Park Board. City Manager will draft a resolution for City Council approval.

6. **Bullock Project:** A consensus was reached between Mr. Bullock and the City concerning the drainage problem north of Third Street. Following multiple fax and e-mail messages, and several meetings between Mr. Bullock, the City Manager and DPW Supervisor a tentative plan was worked out. Unfortunately, complete agreement could not be reached and the parties met in Circuit Court in Sandusky on November 17th. In a negotiation session consisting of the principals, attorneys, and the (acting) City Engineer, an agreement was reached that was signed by the attorneys, Mr. Bullock and Judge Teeple. Specifically, the City will contract for a ditch/swale running east and west above the property lines north of Third Street. The DPW will construct that portion of the ditch and tile that is adjacent to the water tower and goes through the City's lot. Excess dirt from the excavating is to be placed on Mr. Bullock's lot and he will be responsible for grading and seeding his property. The Consent Judgment included a full release for the City.

7. **Tax Parcel 300-018-100-190-01:** This 33' X 182' lot is a landlocked parcel southwest of the end of Welles Street. Originally, the lot faced Lincoln Street and has a house on it; however, when the house was sold, the new owner did not want the back lot so it was not included in the deed for the house. The manager of the living trust (the son) that owns the remaining property wants the City to either:
 - a. Extend Welles Street to provide access; and/or,
 - b. Return any and all taxes paid on the lot since it was divided and not charge taxes in the future; or,
 - c. Have the City purchase the lot.

This issue was brought before the Planning Commission on June 2, 2005. Their consensus was that it "is a private property issue." The tax roll for this parcel includes the statement, "This is an illegal land division and shall not be considered a development sight (sic)." Coordination with the City Assessor revealed that the City had never approved the land split, but that it was entered onto the tax roll from the deed. The City Assessor stated, "There is no authority in the Land Division Act or the General Property Tax Act to refuse to assess property to its owner as required by Michigan Compiled Law 211.3." His only course of action was to place the above quote on the tax roll so no construction is allowed and no building permit is ever issued. A summary of the situation, and a list of relevant Michigan Public Acts, was forwarded to the City Attorney for his recommendation.

- 8. Police Hiring:** Two probationary part-time police officers have been issued uniforms and begun the local training process. They are Jacqueline Jarosz of Lexington and Duane Hunger of Smith's Creek. This brings the number of generally available part-time officers to three. Officer Jarosz's first shift was Saturday night (November 19th). No additional officers are required at this time.
- 9. Kilpatrick Apartments:** Following a complaint from Knox Disposal concerning their inability to access the dumpster because of piled up trash and garbage, the Management company was notified by e-mail and fax stating their need to resolve this continuing problem.

ATTORNEY'S REPORT:

Consent Judgment for the Bullock case has been reviewed and is acceptable.

City of Brown City and International Union of Operating Engineers contract is complete.

Discussion regarding request for a landlocked piece of property (Tax Parcel 300-018-100-190-01). This situation has been reviewed and the City Attorney who determined that the landlocked property was self created by the owner and that, in his opinion, the City has "No legal obligation to remedy that situation" and that the City has "No liability for this landlocked parcel."

The proposed Park Board contract with F&R has been reviewed and some language concerns have been forwarded to City Manager.

COMMITTEE REPORTS:

1. Police – none.
2. Water & Sewer – none.
3. Tax & Finance – none.
4. Streets & Sidewalks – none.
5. Buildings & Grounds – none.
6. Personnel – none.
7. Homecoming – next meeting scheduled for 12/6/05 at 6:30 pm.

GENERAL CONCERNS OF THE COUNCIL:

CM Miller asks that total dollars spent toward Llink Technologies \$25,000.00 infrastructure commitment be researched and provided to the City Council.

Mayor Carpenter thanked CM Lukacs and CM Navock for their commitment and service to the City of Brown City.

MAYOR'S REPORT:

Noted that nine various positions on boards and committees will be expiring and letters have been sent to these members to confirm their continued involvement.

Moved by CM Miller, second by CM Blatt, to adjourn at 8:29 pm. Motion carried.

Respectfully submitted,

Kelly Pavel
City Clerk